## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE CHATTANOOGA DIVISION

BRYAN R. PHILLIPS	)
Plaintiff,	) )
VS.	) NO. 1:24-CV-00090-DCLC-SKL
MARION COUNTY SHERIFF's DEPARTMENT, et al.,	) ) )
Defendants.	)

## ORDER

Plaintiff has filed two motions to Amend his Complaint [Docs. 26, 30]. The magistrate judge has screened both motions and filed Reports and Recommendations (R&Rs) concerning Plaintiff's motions [Docs. 27, 31]. The magistrate judge recommended that both motions to amend be denied without prejudice. No objections were filed to either of the R&Rs. See Fed.R.Civ.P. 72(b). The reason the magistrate judge recommended Plaintiff's second motion be denied without prejudice was because it changed the parties against whom Plaintiff initially asserted claims. Because it was "unclear if Plaintiff now only seeks to sue Tyrone Green or if ... he is still seeking to proceed on his excessive force claims against Tim Cash, Cody Pittman, and 'OFC-Adams' in their individual capacities," the magistrate judge recommended that Plaintiff's second motion to amend [Doc. 30] be denied without prejudice in order to permit Plaintiff the chance to file another motion to amend his complaint that includes all the claims he intends to assert against all defendants he intends to sue [Doc. 31, pg. 2].

Failure to file objections within the 14-day period pursuant to Rule 72(b) results in waiver of the right to appeal the Court's order. *Thomas v. Arn*, 474 U.S. 140, 153-54 (1985).

The Court has reviewed the R&Rs and the record as a whole and finds that the R&Rs

properly analyzes the issues presented. For the reasons set forth in the R&Rs, which are

incorporated herein by reference, it is hereby **ORDERED** that the R&Rs [Docs. 27, 31] are

ADOPTED, and Plaintiff's motions to amend [Docs. 26, 30] are DENIED WITHOUT

**PREJUDICE**. Plaintiff is cautioned that, as noted by the magistrate judge, if Plaintiff wishes to

amend his complaint, he must file a motion to amend and he must attach to his motion a

COMPLETE COPY of the SECOND AMENDED COMPLAINT which must include in that

Second Amended Complaint all claims he intends to assert against all Defendants he intends to

sue. It cannot reference prior filed complaints as the Second Amended Complaint will supersede

any prior Complaints. Plaintiff shall have 30 days from the date of this Order to seek to file his

motion and attachments.

**SO ORDERED:** 

s/Clifton L. Corker

United States District Judge